

CTJ
ORIGINAL

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT WORTH DIVISION

2007 FEB 27 AM 9:02

CLERK OF COURT

Billy D. Price
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5489 Blair Rd., Ste 425
Dallas Texas 75231
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Attorney for Debtor(s)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

Fort Worth ~~DALE~~ AS DIVISION

Preyer, Deneen Lynette

CASE NO.
4-07 CV-133-Y

PLAINTIFF

VS.

NCO Financial Systems, Inc.

DEFENDANT

COMPLAINT FOR DAMAGES

TO THE HONORABLE JUDGE OF SAID COURT:

This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") Texas Debt Collection Practices Act § 392.001 *et seq.*, Texas Finance Code. (hereinafter "State Act") and Texas Deceptive Trade Practices Act, § 17.01 *et seq.* of the Texas Business and Commerce Code (hereinafter "DTPA").

Jurisdiction and Venue

1. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367. Declaratory relief is available pursuant to 28 U.S.C §§ 2210 and 2202. Venue in this District is proper in that the defendants transact business here and the conduct complained of occurred here.

Parties

5. Plaintiff is a natural person residing in Arlington, Texas.

6. The Defendant, NCO Financial Systems, Inc., is a foreign corporation registered to business in the State of Texas. The Defendant, NCO Financial Systems, Inc. maintains its principal place of business at 507 Prudential Road, Horsham, PA 19044. Upon information and belief, NCO Financial Systems, Inc. is licensed by the State of Texas to collect debts within the State of Texas. NCO Financial Systems, Inc. can be served with service of process by serving their registered agent for service of process in the State of Texas, CT Corporation System, 350 N. ST. Paul Street, Dallas, TX 75201.

Factual Allegations

7. On October 17, 2000, the Plaintiff filed a Chapter 13 Bankruptcy in the Northern District of Texas, Fort Worth Division, Case No. 00-45526.

8. This Chapter 13 case was completed and discharged on January 3, 2006.

9. One of the provisions of the Chapter 13 plan was to pay a student loan debt that the Debtor owed to the Louisiana Higher Education Authority, in the amount of \$19,000.00.

10. At the completion of the plan, the Student Loan debt that the debtor owed to Louisiana Higher Education Authority was paid the sum of \$19,000.00 plus interest of \$2,855.40.

11. The Plaintiff believed that she had paid the student loan she owed to the Louisiana Higher Education Authority in full.

12. Beginning on June 1, 2006, the Plaintiff began to receive phone calls from NCO. The Plaintiff received at least 1 call per week from June 1, 2006 until November 30, 2006.

13. Beginning in December of 2006, the Plaintiff starting receiving phone calls from NCO at home and at work. The Plaintiff received at least 3 calls per week from NCO during the month of December of 2006.

14. Starting in January of 2007, the phone calls received by the Plaintiff from NCO started to increase at home and at work.

15. The messages from NCO that began in January 2007, asked the Plaintiff to call Chris with NCO at the phone number, 1-800-227.4000, Extension 3073, I. D. Code 15540664.

16. On Janauary 3, 2007, the Plaintiff spoke to NCO's representative Chris and explained to him that she had paid off the debt he was trying to collect on through her Bankruptcy and asked him to call her Attorney. The Plaintiff also asked not to be called anymore.

17. On January 8, 2007 the Plaintiff received another call from NCO's agent, named Chris, and she told him to contact her Lawyer; not to call her at work anymore because it could effect her employment. Chris told the Plaintiff that if she did not take care of this debt, that they were going to start the process of garnishing her wages.

18. Throughout the month of January 2007 and February, 2007, NCO's agent, Chris continued to call the Plaintiff at home and at work.

19. On numerous occasions the Plaintiff asked NCO's agent named Chris to stop calling her at work. He did not; in fact, the calls at work increased up to as many as 3 calls in one day.

20. The actions of the Defendants as alleged herein are acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq., Texas Debt Collection Practices Act § 392.001 et seq., Texas Finance Code. and the "Texas Deceptive Trade Practices Act", Business and Commerce Code, §17.01 *et. seq.*

21. The Defendant has a significant, substantial, and serious history of unconscionable collection methods. The Plaintiff avers that this history enhances the seriousness of the violations in this case and in fact requires the award of substantial punitive damages in this matter.

22. The Defendant, NCO Financial Systems, Inc. has failed to implement any effective procedures to eliminate the unlawful contacts and conduct with consumer..

23. The Defendant, NCO Financial Systems, Inc. has failed to implement any effective procedures to insure that no effort will be made to contact consumer debtors who are represented by attorneys.

24. The failure of the Defendant to correct the gross irregularities with their consumer credit collection systems is designed, upon information and belief, to prevent consumers from seeking redress through the courts due to their inability to afford and/or find competent legal counsel. The Defendant, by ignoring their obligations under the various Federal and State consumer protection statutes, have attempted to create for themselves a virtual immunity from civil liability by unlawfully collecting millions of dollars while paying only thousands of dollars for the very few causes where their illegal acts are subject to affirmative consumer enforcement cases. The Defendant has essentially granted to themselves a license to push the boundaries of responsible business practices beyond their furthest limits, fully aware that relatively few, if any, consumer will be able to seek appropriate legal remedies.

25. The Plaintiff therefore allege that these grossly negligent and intentional acts of misconduct violate fundamental notions of fairness and are procedurally and substantively unconscionable.

26. The Plaintiff has been severely agitated, annoyed, traumatized, emotionally damaged and has otherwise been unduly inconvenienced by the actions of the Defendant.

First Claim, Violation of the Federal Fair Debt Collection Practices Act

27. The Plaintiff sues the Defendant, NCO Financial Systems, Inc. for damages, and incorporates paragraphs 1-26, as though specifically plead herein, and she further alleges the following:

28. The foregoing acts and omissions by the Defendant constitutes violations of the FDCPA, which include, but are not limited to, the following:

- (a) The Defendant violated 15 U.S.C. § 1692f(1) by collecting or attempting to collect amounts not permitted by law and by otherwise using unfair and unconscionable methods; and
- (b) The Defendant violated 15 U.S.C. Section 1692c(a)(2) in contacting the Plaintiff when the Defendant knew the consumer was represented by an attorney.
- (c) The Defendant violated 15 U.S.C. § 1692c(c) by contacting the Plaintiff after the Plaintiff had requested the Defendant cease communications with the Plaintiff.
- (d) The Defendant violated 15 U.S.C. § 1692e(2)(A), (5) and (10) by misrepresenting the imminence of legal action by the Defendant.

29. As a direct and proximate result of the Defendants actions in violation of said statute, the Plaintiff has suffered statutory and actual damages, including, but not limited to, mental and emotional suffering, fright, anguish, shock, nervousness, anxiety, humiliation and depression. The Plaintiff continues to be fearful, anxious, nervous and depressed.⁴⁸. The Plaintiff has incurred costs, expenses and reasonable attorney's fees which would not have been incurred by the Plaintiff but for the violation of said Statute. Accordingly, the Plaintiff seeks reasonable attorney's fees and costs pursuant to said Statute.

30. The Plaintiff is therefore entitled to an award of actual and or statutory damages and legal fees pursuant to 11 U.S.C. § 1692k.

Second Claim – Additional Violation of The FDCPA

31. The Plaintiff sues the Defendants, NCO Financial Systems, Inc. for damages, and incorporates paragraphs 1-30, as though specifically plead herein, and she further alleges the following:

32. The Defendants additionally violated the FDCPA. Defendants' violations include but are not limited to engaging in any conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of a debt, 15 U.S.C. Section 1692d.

33. As a direct and proximate result of the Defendant's actions in violation of said statute, the Plaintiff has suffered statutory and actual damages, including, but not limited to, mental and emotional suffering, fright, anguish, shock, nervousness, anxiety, humiliation and depression. The Plaintiff continues to be fearful, anxious, nervous and depressed.

34. The Plaintiff has incurred costs, expenses and reasonable attorney's fees which would not have been incurred by the Plaintiff but for the violation of said Statute. Accordingly, the Plaintiff seeks reasonable attorney's fees and costs pursuant to said Statute.

35. As a result of the above violations of the FDCPA, the Defendants are liable to the Plaintiff for actual damages, statutory damages of \$1,000.00, and attorney's fees.

Third Claim- - Texas Debt Collection Practices Act and Texas Deceptive Trade Practices Act

36. The actions of the Defendant violated the Texas Debt Collection Practices Act Sections 392.001 *et seq.*, Texas Finance Code.

37. Plaintiff is a "consumer" within the meaning of Section 392.001 of the Texas Finance Code, and the debt in question is a "consumer debt" within the meaning of such statute.

38. The acts, omissions, and conduct of the Defendant, as alleged above, constitute violations of the following provision of the Texas Debt Collection Practices Act:

- a. Misrepresenting the character, extent, or amount of a consumer debt, in violation of Section 392.304(s)(8) of the Texas Finance

Code.

39. Pursuant to such violation of law, Plaintiff is entitled to relief provided by Section 392.403 of the Texas Finance Code, including but not limited to recovery of all actual damages sustained as a result of violations of such provisions of the Texas Debt Collection Practices Act, all actual direct and indirect economic damages, including by not limited to damages for loss of credit and damage to credit reputation, attorney's fees, and mental anguish and emotional distress, damages resulting from payment of excess or additional interest, and any consequential damages, all in amounts exceeding the minimum jurisdiction limits of the Court.

40. Also, pursuant to Section 392.403 of the Texas Finance Code, Plaintiff is entitled to recover his attorney's fees reasonably related to the amount of work performed and costs, for all actions in the trial court, the Court of Appeals, and the Texas Supreme Court, in amounts exceeding the minimum jurisdiction limits of this Court.

41. Pursuant to the Section 392.404 of the Texas Finance Code, all of the above and foregoing violations of the Texas Finance Code also constitute deceptive trade practices in violation of the Texas Deceptive Trade Practices Act, and are actionable thereunder. Pursuant to Section 17.505(b) of the Texas Business and Commerce Code, 60 days written notice of the Deceptive Trade Practices Act violation has not been provided because this claim is asserted by way of counterclaim. Therefore, Plaintiff is entitled to recovery of all her actual and consequential damages, of which such illegal acts are the producing cause, and other relief as deemed appropriate by the Court, pursuant to Section

17.50 of the Texas Deceptive Trade Practices Act.

42. Such actual and consequential damages, plus interest to the maximum allowed by law, should be trebled pursuant to applicable provisions of law, in amounts exceeding the minimum jurisdiction limits of this Court.

43. As a direct and proximate result of the Defendant's actions in violation of said statute, the Plaintiff has suffered statutory and actual damages, including, but not limited to, mental and emotional suffering, fright, anguish, shock, nervousness, anxiety, humiliation and depression. The Plaintiff continues to be fearful, anxious, nervous and depressed.

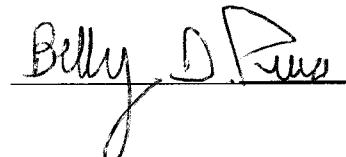
WHEREFORE, the Plaintiff having set forth his claims for relief against the Defendant respectfully pray of the Court as follows:

- A. That the Plaintiffs have and recover against the Defendant a sum to be determined by the Court in the form of actual damages;
- B. That the Plaintiff have and recover against the Defendant a sum to be determined by the Court in the form of statutory damages;
- C. That the Plaintiff have and recover against the Defendant a sum to be determined by the Court in the form of punitive damages;
- D. That the Plaintiff have and recover against the Defendant all reasonable legal fees and expenses incurred by their attorney;

That the Plaintiff have such other and further relief as the Court may deem just and proper.

DATED: 26th day of February, 2007

Respectfully Submitted



BILLY D. PRICE, P.C.
Billy D. Price
State Bar No. 16283860
5489 Blair Rd., Suite 425
Dallas, Texas 75231
(214) 696-6901
(214) 696-9635 (Fax)
ATTORNEY FOR DEBTOR-PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint for Damages has been served by me on this 26th day of February, on the parties listed below by the method indicated:

VIA CERTIFIED MAIL RRR#

NCO Financial Systems, Inc.
c/o CT Corporation System
350 N. St. Paul Street
Dallas, TX 75201

VIA FIRST CLASS MAIL

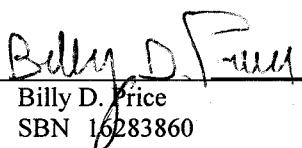
Preyer, Deneen Lynette
3100 E. Park Row #L109
Arlington, TX 76010

VIA FIRST CLASS MAIL

Timothy Truman
6851 N.E. Loop 820
Suite 300
North Richland Hills, TX 76180

VIA FIRST CLASS MAIL

United States Trustee
1100 Commerce, Rm 976
Dallas, TX 75242

By: 
Billy D. Price
SBN 16283860

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Deneen Lynette Freyer

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

NCO Financial Systems, Inc

2007 FEB 27 AM 9:01
CLERK OF COURTCounty of Residence of First Listed Defendant n/a
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

4-07 CV-133-Y

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF	
<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	FEDERAL TAX SUITS	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)
 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened

Transferred from another district (specify)

 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause: Fair Debt Collection Practices Act,

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes NoVIII. RELATED CASE(S)
PENDING OR CLOSED

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/26/07
FOR OFFICE USE ONLY

Billy D. Prew

RECEIPT # EW 260AMOUNT 350

APPLYING IFP

JUDGE

MAG. JUDGE

4

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference cases that are related to this filing, if any. **If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases.** A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

Civil Filing Notice - Fort Worth Division

CIVIL ACTION NO: 4-07 CV-133-Y

This case has been assigned to District Judge: _____

(Complete if applicable)
TRANSFERRED FROM: _____ DATE FILED: _____

Civil cases are assigned to a judge by random draw. A docket clerk for each judge maintains the recording of documents filed with the Clerk. A complete list of phone numbers for both the judges' chambers and the docket clerks is provided.

Judge	Court Settings	Pleadings Filed
(A) Judge John H. McBRYDE	(817)850-6650	(817)850-6611
Even Cases: 850-6652 Odd Cases: 850-6653		
(Y) Judge Terry R. MEANS	(817)850-6673	(817)850-6612
(BE) Magistrate Judge Charles BLEIL	(817)850-6690	(817)850-6697

For access to local rules, attorney admission information, frequently asked questions, common forms, filing instructions, and records information, please visit our web site at www.txnd.uscourts.gov. To speak to someone in the district clerk's office, please call (817) 850-6601.

To receive electronic access to court docket sheets and filed documents, contact the PACER Service Center at www.pacer.pcs.uscourts.gov or by phone at 1-800-676-6856 for a log-in and password.

Information is attached regarding trials by a United States magistrate judge, receiving electronic notice, and the court's privacy policy.